

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOHN R. ZIMMERMAN,</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	<b>No. 1:13-cv-2788</b>
<b>v.</b>	:	
	:	<b>Honorable Yvette Kane</b>
<b>THOMAS W. CORBETT, LINDA L.</b>	:	
<b>KELLY, FRANK G. FINA, K.</b>	:	
<b>KENNETH BROWN, MICHAEL A.</b>	:	<b>Electronically Filed Document</b>
<b>SPROW, ANTHONY J. FIORE AND</b>	:	
<b>GARY E. SPEAKS,</b>	:	
<b>Defendants</b>	:	

**DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT**

Defendants, through counsel, move pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the Amended Complaint (Doc. 20) against them. The Court should dismiss the complaint because it fails to state a claim upon which relief can be granted. A brief in support of this motion will be filed within the period prescribed by the local rules of court for this District and the Federal Rules of Civil Procedure.

**WHEREFORE**, the Court should dismiss the Amended Complaint (Doc. 20) against Defendants.

**Respectfully submitted,**

**KATHLEEN G. KANE**  
**Attorney General**

**By:** *s/Lindsey A. Bierzonski*  
**LINDSEY A. BIERZONSKI**  
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**GREGORY R. NEUHAUSER**

**Chief Deputy Attorney General**  
**Chief, Civil Litigation Section**

**Date: May 21, 2014**

*Counsel for Defendants Brown,  
Corbett, Fiore, Speaks & Sprow*

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<b>SPROW, ANTHONY J. FIORE AND</b>	:	
<b>GARY E. SPEAKS,</b>	:	
<b>Defendants</b>	:	

**CERTIFICATE OF NON-CONCURRENCE**

I, Lindsey A. Bierzonski, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that Devon Jacob, Counsel for Plaintiff John R. Zimmerman, has not concurred in this motion.

*s/Lindsey A. Bierzonski*  
**LINDSEY A. BIERZONSKI**  
Deputy Attorney General

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<b>Defendants</b>	:	

**CERTIFICATE OF SERVICE**

I, Lindsey A. Bierzonski, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on March 21, 2014, I caused to be served a true and correct copy of the foregoing document titled DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT to the following:

**VIA ECF:**

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*Counsel for Plaintiff*

*s/Lindsey A. Bierzonski*  
**LINDSEY A. BIERZONSKI**  
Deputy Attorney General